

1970

c 103 Crown Witnesses Act

Ontario

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CHAPTER 103

The Crown Witnesses Act

1. In this Act, "trial" means a trial at a sittings of the Supreme Court, a court of general sessions of the peace, a county or district court judges' criminal court, or a provincial court for the summary trial of indictable offences under the *Criminal Code* (Canada), and includes a preliminary inquiry and proceedings before a grand jury. R.S.O. 1960, c. 84, s. 1, *amended*.

Interpretation

1953-54,
c. 51 (Can.)

2.—(1) The Crown attorney may grant to a person who attends at the instance of the Crown to give evidence at a trial an order for the payment of such sum as witness fees and allowances as he considers proper, but, subject to section 3, not more than is provided for in the Schedule.

Fees, etc.

(2) The Crown attorney, with the approval of the presiding judge, may include in an order such sum, in addition to the witness fees and allowances, as he considers reasonable and sufficient to compensate the witness for doing any work in preparation for the trial or preparing any document or article for use at the trial. R.S.O. 1960, c. 84, s. 2, *amended*.

Additional compensation

3. The Director of Public Prosecutions may increase the sum ordered to be paid so that the witness will be reasonably compensated for his attendance at the trial and he may order that a special fee be paid to an expert witness. R.S.O. 1960, c. 84, s. 3; 1968, c. 25, s. 1.

Special fee

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, sections 2 and 3 apply, if in the opinion of the Crown attorney a person attended the court in obedience to a recognizance or subpoena or at the instance of the Crown. R.S.O. 1960, c. 84, s. 4.

Where no indictment preferred or trial had

5. The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1960, c. 84, s. 9; 1968, c. 25, s. 3.

Moneys

6. In the case of an information, action or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled

Witness fees, etc., payable on prosecution of claims etc., by Her Majesty

for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1960, c. 84, s. 11.

Where
evidence
taken by
commission

7. Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1960, c. 84, s. 12.

Fees, etc.,
not payable
in advance

8. A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1960, c. 84, s. 13.

SCHEDULE

(Section 2 (1))

WITNESS FEES AND ALLOWANCES

1. Attending trial, each day \$ 6
 Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day 15
 Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day 15
2. Where a witness travels by private automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but, where the trial is held in the city or town in which the witness resides, 75 cents.
 The distance travelled shall be ascertained by the certificate of the Crown attorney.
3. Where a witness travels by a means other than private automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held, and return.
4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.
5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain overnight at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.